

**REMARKS**

Claims 18-34 are pending in this application. The Office Action rejects claims 18-23, 33 and 34 under 35 U.S.C. §102(b); and rejects claims 24-32 under 35 U.S.C. §103(a).

Applicants respectfully traverse the rejections.

**I. Rejection under 35 U.S.C. §102(b)**

Claims 18-23, 33 and 34 are rejected under 35 U.S.C. §102(b) as anticipated by Best (U.S. Patent No. 5,510,164). Applicants respectfully traverse the rejection.

Applicants respectfully submit that Best fails to disclose each and every feature of independent claim 18. Specifically, Best at least fails to disclose a "deformable layer... is arranged between [a] first photosensitive layer and [a] second substrate." See the present specification at, for example, Fig. 4 and 5. items 5, 7 and 8. Instead, Best merely describes an optical recording medium wherein the deformable layer (Fig. 3, item 60; see column 5, lines 12-64) *is located on top of* both the only substrate (Fig. 3, item 52) and the active layer (Fig. 3, item 56). As is discussed in column 5, lines 12-64, "the laser light is incident from the face 70 of substrate 52." Therefore, the arrangement of the layers in Best is clearly different from the arrangement of the layers in the presently claimed invention, because the deformable layer in Best is not located on the same side as the active layer compared to laser light flow in the optical recording medium.

Accordingly, independent claim 18 is not anticipated by Best for at least the reasons discussed above. Dependent claims 19-23, 33 and 34 are also not anticipated for at least the reason that independent claim 18 is not anticipated.

Reconsideration and withdrawal of the rejection are respectfully requested.

**II. Rejection under 35 U.S.C. §102(b)**

Claims 24-32 are rejected under 35 U.S.C. §103(a) as having been obvious over Best in view of Nee (U.S. Patent No. 6,544,616). Applicants respectfully traverse the rejection.

Applicants respectfully submit that Nee does not cure the deficiencies of Best, as discussed above. Nee is cited merely for its teachings regarding dual-layered discs. See the Office Action at pages 2-3. Nee nowhere teaches or suggests that a deformable layer is arranged between a first photosensitive layer and a second substrate. Furthermore, a person having ordinary skill in the art would have had no reason or rational to modify the teachings of Best so as to practice the presently claimed invention.

Accordingly, dependent claims 24-32 would not have been obvious over Best in view of Nee for at least the reasons that independent claim 1 would not have been obvious over Best alone, as discussed above.

Reconsideration and withdrawal of the rejection are respectfully requested.

### **III. Conclusion**

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of the application are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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